

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Regarding the distribution of SO<sub>2</sub> allowance sale proceeds related to the suspended operation of Mohave Generating Station (U338E).

Application 06-12-022  
(Filed December 20, 2006)

**ORDER EXTENDING STATUTORY DEADLINE****1. Summary**

The deadline for resolution of this proceeding is extended to April 9, 2013, in accordance with Public Utilities Code Section 1701.5(a).

**2. Discussion**

Public Utilities Code Section 1701.5<sup>1</sup> provides that ratesetting proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the scoping memo sets a later date. The Commission may also, upon making a written determination that the deadline cannot be met, including findings as to the reason, issue an order extending the deadline.

The Fourth Amended Scoping Memo and Ruling of Assigned Commissioner (August 8, 2011) set a date of February 8, 2013 for the resolution of this proceeding. Recently, the federal Court of Appeals for the District of Columbia Circuit invalidated regulations promulgated by the U.S. Environmental Protection Agency that have an important bearing on this

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<sup>1</sup> Unless otherwise noted, all further references to sections refer to the Public Utilities Code.

proceeding. In order to allow sufficient time for consideration of the new federal legal landscape, an extension of the current deadline is needed. Pursuant to Section 1701.5, the new deadline will be April 9, 2013.

### **3. Waiver of Comments**

Under Rule 14.6(c)(10) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment on decisions extending the deadline for resolving ratesetting proceedings. We waive the period for public review and comment pursuant to this rule.

### **4. Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Anne E. Simon is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. The Fourth Amended Scoping Memo and Ruling of Assigned Commissioner was issued August 8, 2011.
2. The Fourth Amended Scoping Memo set a date of February 8, 2013 for the resolution of this proceeding.
3. Recent invalidation of federal regulations related to the subject matter of this proceeding requires further review by the Commission.

### **Conclusions of Law**

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and modified by the Fourth Amended Scoping Memo should be extended by 60 days.

2. In accordance with Rule 14.6(c)(10), the comment period is waived.

**O R D E R**

**IT IS ORDERED** that the statutory deadline for resolving this proceeding is extended to April 9, 2013

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.